

**10036. Misbranding of Giepsi Vemela. U. S. \* \* \* v. 11 Bottles of \* \* \* Giepsi Vemela. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14958. I. S. No. 10806-t. S. No. W-946.)**

On June 9, 1921, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 bottles of Giepsi Vemela, remaining unsold in the original packages at Silver City, N. M., alleging that the article had been shipped by the Giepsi Vemela Co., Douglas, Ariz., February 25, 1921, and transported from the State of Arizona into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of vegetable extractives, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling thereof bore certain statements, designs, and devices, to wit, (carton) "Guaranteed under the Food and Drugs Act \* \* \*," (circular, in Spanish) "Giepsa Vemela was subjected to the laws required by the United States of America before being placed on the market, which will stimulate and increase the faith and confidence of patients who make use of this medicine," which were false and misleading and were intended to deceive and to stimulate the sale of the said article. Misbranding was alleged for the further reason that the statements regarding the therapeutic and curative effects of the said article, to wit, (carton, English and Spanish) "\* \* \* for the tuberculosis, colds, coughs, anemia, and general debility," (bottles, English and Spanish) "\* \* \* It is recommended for tuberculosis, colds, coughs, anemia and general debility \* \* \* In serious cases \* \* \*," (circular, English) "\* \* \* the excellent results that it has obtained in the treatment of all impurities of the blood. \* \* \* and for the results that have been obtained in the treatment of lungs [lung] troubles. \* \* \* For the impurities of the blood, such as pimples, tumors, fistula, swelling of the feet, ankles and legs, and irritation of the blood. \* \* \* For coughs, colds, bronchitis, whooping cough, sore throat, \* \* \* If you \* \* \* want your body to be strong, to stand the effects of cold weather, we recommend you to take one or two bottles and you will be surprised to see how well it will build you up. For disorders and sickness of the stomach \* \* \* for anemia, affections of the lungs [lungs], general debility \* \* \* tuberculosis of the stomach and bowels. \* \* \* my stomach was so badly infected that I could not eat, \* \* \* Since I have been taking this Giepsa Vemela I can eat any kind of food, and can do a man's work, before taking it I could not. \* \* \* Giepsi Vemela, has cured me \* \* \* This medicine is not only a good medicine for Tuberculosis, but for coughs and colds, and weak stomach, and lungs. \* \* \*," (Spanish) "\* \* \* I suffered with a violent pain in the chest and stomach \* \* \* thanks to God and Giepsi Vemela \* \* \* my health has again been restored. \* \* \* I have no hesitancy in recommending it to all persons who have disorders of the stomach. \* \* \* I was a victim of a fistula in the left foot, \* \* \* I took a bottle of Giepsa Vemela which was sufficient to destroy the fistula. It was completely dried up, \* \* \* the excellent results which it has demonstrated in the treatment of diseases of the blood. \* \* \* also on account of the activity which it has demonstrated in the treatment of affections of the lung. \* \* \* impurity and bad condition of the blood \* \* \* pimples, fistulas, tumors or ulcers, bubos, ulcers in the throat or in the nose, swellings which appear without cause, irritation of the skin and tetanus. This medicine is especially recommended for anemia, constipated catarrhs, bronchitis, coughs, sore throat and hoarseness. For diseases of the stomach such as palpitation of the heart, colic, pain in the side, diarrhoea and spasms. \* \* \* for affection of the lung, bronchitis, constipated catarrhs, coughs, sore throat and hoarseness, tumors, fistulas, swellings, tetanus, pimples, \* \* \* for diseases of the stomach, palpitation of the heart, colic, pain in the side, diarrhoea and spasms \* \* \* In serious cases \* \* \* I suffered with paralysis in the right side of the face and the tongue \* \* \* The results which I obtained from taking Giepsa Vemela were marvelous, as only one bottle was sufficient to completely restore my health \* \* \*," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the results and effects claimed.

On October 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*